

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ANTOINE AMBROSE, SR.,

Case No. 24-CV-4178 (PJS/JFD)

Plaintiff,

v.

ORDER

FREEDOM MORTGAGE,

Defendant.

This matter is before the Court on plaintiff Antoine Ambrose's motion to disqualify the undersigned and Magistrate Judge John F. Docherty, as well as a demand for an evidentiary hearing on the motion. Ambrose complains that the undersigned and Judge Docherty have issued rulings that unduly favor defendant by granting defendant's motion for an extension of time in which to answer. "Default judgments, however, are not favored by the law." *U.S. ex rel. Time Equip. Rental & Sales, Inc. v. Harre*, 983 F.2d 128, 130 (8th Cir. 1993). There is thus no error in Judge Docherty's grant of defendant's motion for an extension.

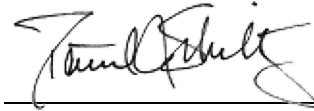
Even if there were, "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Judicial rulings "can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . when no extrajudicial source is involved. Almost invariably,

they are proper grounds for appeal, not for recusal.” *Id.* Ambrose’s motion to disqualify is therefore denied and, as it is based on judicial rulings alone, no evidentiary hearing is necessary. *See United States v. Heldt*, 668 F.2d 1238, 1271–72 (D.C. Cir. 1981) (whether to hold a hearing on a 28 U.S.C. § 455 motion is discretionary).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT plaintiff’s motion to disqualify and for an evidentiary hearing [ECF No. 21] is DENIED.

Dated: December 13, 2024

A handwritten signature in black ink, appearing to read "Patrick J. Schiltz", is written over a horizontal line.

Patrick J. Schiltz, Chief Judge
United States District Court